

**Responsiveness Summary - Los Angeles River Trash TMDL
Comment Due Date: June 1, 2006**

1. Downey Brand Attorneys LLP (for City of Los Angeles)
2. Heal the Bay

No.	Author	Date	Comment	Response
1.1	Downey Brand LLP	5/31/06	<p>The City respectfully requests the following clarifying changes be made to acknowledge the settlement agreement entered into between the Regional Water Board and the City, and confirm the Regional Water Board's commitment to comply with that agreement:</p> <p>"7. Twenty-two cities ("Cities") sued the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) and the State Water Resources Control Board (State Water Board) to set aside the TMDL, which would halt the thousands of tons of garbage that blankets the Los Angeles River and estuary. <u>The Los Angeles Water Board and State Water Board were also sued by the City of Los Angeles and by Los Angeles County and the Los Angeles County Flood Control District. These suits resulted in a settlement agreement, effective September 24, 2003, whereby the Regional Board agreed to make certain changes to the Trash TMDLs for both the Los Angeles River and the Ballona Creek watersheds. While amendments were made to the Ballona Creek TMDL, similar changes agreed to by the Los Angeles Water Board have not yet been made to the Los Angeles River Trash TMDL.</u>"</p> <p>"THEREFORE, be it resolved that pursuant to sections 13240 and 13242 of the Water Code, <u>and pursuant to the settlement agreement entered into with the City and County of Los Angeles,</u> the <u>Los Angeles Water Regional Board</u> hereby:</p> <p>Sets aside the Los Angeles River Trash TMDL, and resolution #01-103 which established it. <u>However, this act to set aside the</u></p>	Comment duly noted. Please see the revised Tentative Resolution.

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			<p><u>TMDL in no way renders moot the settlement agreement entered into between the Los Angeles Water Board and the City of Los Angeles and the County of Los Angeles, which was effective September 24, 2003, and the Los Angeles Water Board agrees to make the changes agreed upon in that settlement agreement when this TMDL is readopted."</u></p>	
2.1	Heal the Bay	5/31/06	<p>Due to the persistence and ubiquity of the trash problem, Heal the Bay has fully supported the Regional Board's efforts in adopting and defending the Los Angeles River Trash TMDL against various appeals. We congratulate the Board on the fact that the Court of Appeals upheld the Board's Trash TMDL as appropriate and proper on all substantive claims on January 26, 2006, and also on the April 2006 denial of <i>certiori</i> on those same claims by the California Supreme Court. The Appellate Court's decision is a true testament to the strength and legitimacy of the Regional Board's Trash TMDL.</p>	<p>Comment duly noted.</p>
2.2	Heal the Bay	5/31/06	<p>We understand that the Regional Board must address the one claim regarding the CEQA checklist identified by the Court of Appeals in its January 26, 2006 Order. Given the Court's writ of mandate, which ordered the Board to ensure compliance with CEQA requirements, we strongly support staff's intent to move expeditiously through the CEQA process to address the Court's sole concern regarding CEQA before the fall of 2006. We also strongly urge the Board to expressly support and encourage staff's efforts to get this completed without delay. Trash remains one of the region's most significant problems in our waterways and at our beaches, and we fully support all efforts of the Board to get the Trash TMDL fully implemented as soon as possible.</p>	<p>Comment duly noted. Please see the revised Tentative Resolution.</p>